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## The Solicitors' Journal.

LONDON, OCTOBER 21, 1876.

### CURRENT TOPICS.

THE JUDGESHIP in the Queen's Bench Division vacant by the death of Mr. Justice Quain, after (as it is understood) having been refused by Sir Hardinge Giffard, has been bestowed on Mr. Manisty, Q.C. The learned gentleman has a well-deserved reputation as a sound lawyer, and possesses in a high degree the esteem of his brethren at the bar. It is a matter for regret, both for the sake of Mr. Manisty and the public, that the appointment was not made at least ten years ago.

THE EARLY TERMINATION of the career of one of the most popular and efficient of the judges will cast much gloom over the opening of the courts. The late Mr. Justice Archibald might without exaggeration be described as a model judge. He was a well-read lawyer; his grasp of legal principle was firm—witness his masterly judgment in the difficult case of *Riche v. Ashbury Railway Carriage Company* (23 W. R. T, L. R. 9 Ex. 224)—and to this he added great industry, and a courtesy and patience which were absolutely unlimited. He never lost his temper or descended to the smallness of vanity; he was ever calm, suave, and dignified. His loss will be deeply deplored, and it comes with the shock of suddenness. Like the late Mr. Justice Quain, he was actively engaged at the *Nisi Prius* sittings at Westminster and Guildhall, and also at chambers during the summer circuits. But he had long suffered from an insidious disease, which only recently assumed a dangerous form.

IT IS OUR DUTY to draw attention to one of the most singular events in recent legal journalism. On Wednesday last a gentleman, signing himself "Editor (Solicitors' Department) *Law Times*," and dating from the office of that periodical, informed the public, through the columns of the *Times*, that

"Mr. E. K. Karlake, Q.C., . . . because he ventured to write to you [*i.e.*, the *Times*] on the 6th [7th] inst. that he fully expected 'at a future time to see the distinction between a junior barrister and a solicitor to a great extent abolished,' has been held up—or, perhaps, I should say, would have been held up if possible—to professional ridicule by the editor of a legal contemporary of yours, simply, as it appears to me, because he has had the courage to be outspoken and frank in the expression of his opinions on inter-professional questions."

We do not know whether this was intended to give the public the impression that the "legal contemporary" referred to was not the *Law Times*; such, however, would of course be the natural effect of the statement; for no one would imagine that the Editor (Solicitors' Department) *Law Times* would speak of the *Law Times* in words of such withering scorn. Yet the fact is that in no legal journal except the *Law Times* has the slightest notice been taken of Mr. Karlake's letter;

while in the *Law Times* of Saturday last Mr. Karlake was informed that he had

"evidently not benefited by his holiday—an impression confirmed by another remark of his. He says that he expects at a future time to see the distinction between a junior barrister and a solicitor to a great extent abolished. How the distinction can be abolished to a great extent without disappearing altogether we cannot imagine," &c., &c.

This is singular enough; but a more singular fact is that the Editor (Solicitors' Department) *Law Times* does not seem to be aware of the nature of the proposals he is supporting. Mr. Karlake's proposal, as developed in a former letter to a public journal, was that the junior bar should be at liberty to practise as solicitors. If this is what the Editor (Solicitors' Department) *Law Times* desires to accomplish we doubt whether he will find any one but Mr. Karlake to join him in his crusade.

"UNLAWFUL MAINTENANCE," says Coke, "is the most dangerous enemy that Justice hath." And Hawkins points out (1 P. C. 462) that maintenance has "a manifest tendency to oppression by encouraging and assisting persons to persist in suits which, perhaps, they would not venture to go on in upon their own bottoms." It seems strange that the ancient law which makes maintenance a crime should be so little known to the public. A correspondent forwarded to us a few days ago an advertisement, clipped from a London daily paper, of a limited society, stated to be "established to act as agents for next of kin, heirs-at-law, and others in the sale and management or acquisition of property, and to make advances to such of them as are seeking to establish any legal or equitable rights." Can it be possible that the promoters of this society are aware that for a man to officiously intermeddle in a suit depending in any court of justice which no way belongs to him, by assisting either party with money in the prosecution or defence of any such suit, is punishable with fine or imprisonment? Or do they rely on the assumed obsolescence or indefiniteness of the offence? If so, it is time to consider whether it may not be desirable to obtain some new statutory declaration and definition of the crime of maintenance, which shall remove all doubts on the matter, including the old doubt as to whether money given to another for the purposes of an intended suit before any suit is actually commenced can be considered as maintenance. As to this, Hawkins says (1 P. C. 456) that "if it plainly appear that the money was given merely with a design to assist in the prosecution or defence of an intended suit, which afterwards is actually brought, surely it cannot but be equally criminal at common law as if the money were given after the commencement of the suit."

A PAPER read by Mr. A. E. Miller, Q.C., before the Social Science Congress, besides presenting a comprehensive and able review of the general results of the Judicature Acts, afforded some practical suggestions for the completion of the work of legal re-organization. Mr. Miller seems to have rejected the notion of the establishment of local courts of general jurisdiction, or a large extension of the jurisdiction of the county courts, and to have suggested the abolition of circuits, and sittings by a judge in any assize town when a sufficient list of cases was ready for trial. As to the principle of the suggestion we thoroughly agree, but we have some doubt as to the mode of working it out. That more frequent sittings of the judges of the High Court in the great provincial towns will be requisite there can be little doubt, and this may be looked for as one of the first of the reforms supplementary to the Judicature Acts. But notice of the sittings must necessarily be given to suitors and their advisers; and probably, on the whole, the balance of convenience would be in favour of regular sittings at comparatively short intervals.

Mr. Miller also suggested the abolition of the fifth division, and the absorption of probate causes and the administrative parts of admiralty jurisdiction in the work assigned to the Chancery Division, leaving divorce suits and the remainder of the admiralty causes to be dealt with as common law actions. To this we think little objection could be raised; the arrangement would divide the business naturally, and might leave some judicial strength free to be used for disposing of the general business of the courts.

## LEGISLATION OF THE YEAR.

### IV.

#### WINTER ASSIZES.

##### CAP. 57.—*An Act to amend the Law respecting the holding of Winter Assizes.*

THE Act of 6 Rich. 2, c. 5, enacted that the justices assigned to take assizes and deliver the gaols should hold their sessions in the principal and chief towns of every of the counties where the shire courts of the same counties should be holden. A statute passed six years later, reciting that the above statute was "in fact prejudicial and grievous to the people of divers counties in England," gave the Chancellor power to make and provide remedy by advice of the justices from time to time when need should be. After a long interval the statute 3 & 4 Will. 4, c. 71, substituted an Order in Council for the order of the Chancellor, and gave power to divide counties for the purpose of holding assizes in different divisions of the same county. Under the orders made in pursuance of these provisions, it has been the practice, we believe, not to hold winter assizes in any places where there are fewer than six prisoners for trial. The object of the present Act, which is the result of the outcry justly raised at the prolonged delays attending the trial of prisoners committed to the assizes, is to enable counties to be united by Order in Council for the purpose of winter assizes. The power, it would seem, is to be exercised only when "it is usually inexpedient to hold separate winter assizes for any county," and the Order in Council is to be laid before Parliament. The intention would seem to be to make a permanent provision for the amalgamation of counties for the purposes of the winter assizes. The order may direct (section 2) that the winter assizes for the united counties may be held at different places in different years; and may provide for the attendance of sheriffs, gaolers, officers, jurors, &c., the use of any prison, the removal of prisoners, and the expenses of prosecutors and witnesses. Enactments relating to the power to alter the circuits or the places at which assizes are held, or otherwise relating to assizes and circuits, are made applicable for the purpose of carrying into effect the present Act. Power is also given to direct by Order in Council that the jurisdiction of the Central Criminal Court shall, during the months of November, December, and January, extend to any neighbouring county or part of a county.

#### APPELLATE JURISDICTION.

##### CAP. 59.—*An Act for amending the Law in respect of the Appellate Jurisdiction of the House of Lords; and for other purposes.*

THE provisions of this important but very miscellaneous Act may be discussed in relation, first, to the House of Lords; next, to the Court of Appeal; and, lastly, in relation to the High Court.

Section 20 of the Judicature Act, 1873, and section 2 of the Judicature Act, 1875, are repealed (section 24), and an appeal is given to the House of Lords from any order or judgment of the Court of Appeal, and of any court in Scotland or Ireland, from which error or an appeal lay to the House of Lords at the

commencement of the present Act (section 3). The right of appeal is to be subject to such conditions as to the value of the subject-matter in dispute, as to giving security for costs, and as to the time within which an appeal may be brought, as may be imposed by order of the House of Lords (section 11); and the consent of the law officer of the Crown is retained as a requisite to the entertaining of appeals in all cases where his assent has hitherto been required (section 10). Errors or appeals pending on the 1st of November next are to be heard and determined as hitherto (section 13), but in future the mode of appeal is to be uniform, and error is not to lie to the House of Lords (section 11). The appeal is to be brought by way of petition (section 4), which is to pray "that the matter of the order or judgment may be reviewed before her Majesty the Queen in her Court of Parliament, in order that the said Court may determine what of right, and according to the law and custom of this realm, ought to be done in the subject-matter of the appeal."

Provision is made (section 6) for the appointment of two Lords of Appeal in Ordinary, to be chosen from the ex-Lord Chancellors of Great Britain or Ireland or the paid judges of the Privy Council, or the judges of the superior courts of Great Britain and Ireland, or practising barristers or advocates of not less than fifteen years' standing. These Lords of Appeal may be appointed at any time after the passing of the Act, but the appointment is not to take effect until the 1st of November next. A third Lord of Appeal in Ordinary may be appointed on the death or resignation of two of the paid judges of the Judicial Committee, and a fourth on the death or resignation of the other two paid judges of the Judicial Committee (section 14). Each of the Lords of Appeal in Ordinary is to have a salary of £6,000 a year, with a retiring pension the same as that of the Master of the Rolls, *i.e.*, £4,500 (section 7), and is to be entitled during his life to the rank of baron, but is only to be summoned to attend and to sit and vote in the House so long as he continues in office as a Lord of Appeal in Ordinary. As previous service in judicial offices is to be deemed equivalent, for the purposes of the pension, to service in the office of a Lord of Appeal, it may happen that the Lord of Appeal will have completed his term of service before his appointment. Thus Lord Blackburn, who has been seventeen years on the bench, will be entitled to retire on his pension at once.

The court is to sit during any prorogation of Parliament in such manner as may be appointed by order of the House of Lords (section 8). An order was made on August 14 appointing the 21st of November as the day for the first meeting of the court. On the dissolution of Parliament her Majesty may authorize the Lords of Appeal (*i.e.*, the Lord Chancellor, the Lord of Appeal in Ordinary, and peers holding, or having held, high judicial offices—section 5) to hear and determine appeals in the name of the House of Lords (section 9). Not less than three of the Lords of Appeal are to constitute a quorum at any sittings of the court (section 10).

The Lords of Appeal in Ordinary are, if Privy Counsellors, to sit and act as members of the Judicial Committee (section 6). Provision may also be made by Order in Council for the attendance of archbishops and bishops, on the hearing of ecclesiastical cases, as members of the Judicial Committee (section 14).

Provisions are also made for the amendment of the constitution of the Court of Appeal. Three additional ordinary judges are authorized to be transferred from the common law divisions of the High Court (section 15). The vacancies caused by the transfer of these judges are to be filled up until two of the paid judges of the Privy Council have died or resigned, when, upon an address from both Houses of Parliament, one of the vacancies may be filled, and upon the death of the remaining paid judges of the Privy Council another of the vacancies may be filled (section 18). The additional ordinary judges of the Court of Appeal are to go circuit, and are to receive

in addition to their salary, a sum for expenses on circuit (sect. 15). Rules for the conduct of business in the Court of Appeal may be made, altered, or rescinded by the Lord Chancellor, with the concurrence of the ordinary judges of the court or any three of them (section 16). The opportunity is taken of remedying a small oversight in section 4 of the Judicature Act, 1873, by providing that a judge of the High Court who has been requested to attend as an additional judge of the Court of Appeal may attend for the purpose of giving judgment in any case, although the period has expired during which his attendance was requested (section 19). Another section (s. 20) restricts the generality of the provision in section 19 of the Judicature Act, 1873, by enacting that no appeal shall lie where by Act of Parliament it is provided that the decision of any court or judge whose jurisdiction is transferred to the High Court shall be final. The reason for this provision is to be found in such cases as *Dodds v. Shepherd* (ante, p. 292; 24 W. R. 322), where it was contended that an appeal now lay in cases of interpleader summons, in which, by the Common Law Procedure Act, 1860, in certain cases, the order of the judge at chambers is to be final.

There remain the important provisions as to the High Court. Every action and proceeding, and all business arising out of the same, is, "as far as is practicable and convenient," to be heard, determined, and disposed of before a single judge; and all proceedings in an action subsequent to the trial, down to and including final judgment, are, so far as is practicable and convenient, to be taken before the judge before whom the trial took place (section 17). The provision is, so far, sweeping enough; but it is important to observe that divisional courts of two judges may be held for the transaction of any business which may be assigned to them by rules of court to be made by any three or more of a committee composed of the Lord Chancellor, the Chiefs, the Master of the Rolls, and four other judges to be appointed by the Chancellor. Until these rules have been issued it will be impossible to speak with any certainty as to the effect of the new provisions on business in the common law divisions of the High Court.

The other sections of the Act continue, till the 1st of January, 1878, the provisions of section 34 of the Judicature Act, 1875, relating to the suspending of appointments to vacant offices in the High Court; enable district registrars, with the approval of the Lord Chancellor, to appoint a deputy; and provide for the mode of appointment of vice-admiral, judge, and officers of a vice-admiralty court.

#### LEGAL PRACTITIONERS.

##### CAP. 66.—An Act to amend the Law relating to Legal Practitioners.

THIS Act of less than ten lines amends 33 & 34 Vict. c. 28, s. 20, which enabled a solicitor to perform all such acts as appertained solely to the office of a proctor in any ecclesiastical court other than the provincial courts of Canterbury and York, and the diocesan court of the Bishop of London. The present Act authorizes certificated solicitors to appear as proctors in the provincial courts of Canterbury and York; but, for some inexplicable reason, the diocesan court of London remains still closed to them.

The *Daily Telegraph* says that on Monday at the Banbury borough quarter sessions William Goodyear King, publican and timber dealer, of Nash, Bucks, was indicted for fraudulently concealing and transferring part of his property after having been adjudged a bankrupt. After the case had been heard, Mr. Green, of the Oxford Circuit, who defended, raised the objection that the recorder had no jurisdiction beyond the limits of the borough of Banbury. The trustee concerned in the case lived at Luton, and the property was at Nash. The recorder admitted he had no jurisdiction, and acquitted the prisoner.

#### AN ENGLISH EVIDENCE CODE.

##### VII.

HAVING thus traversed the Code or Digest, we propose, omitting details, to take a summary view of the chief objections which appear to us to lie against it in its present form, and the alterations which we would suggest, and to offer some remarks on the style in which the rules are expressed and the method of supplementing the rules with illustrations.

First, then, as to the distribution of the matter. Accepting Mr. Stephen's general plan as to the division of the whole subject into three branches dealing respectively with the questions, what facts may be proved, by what evidence must they be proved, and by whom, in what manner, and with what effect is evidence to be given; accepting, also, the order in which these divisions are arranged; and accepting in the main the appropriation of the details to the several parts, the objections which we have to make to the method in which the design is carried out are as follows:—

First, we submit that the topic of evidence on affidavit, deposition, and commission belongs properly to part II., and that it should be treated of there, and not in part I. The statements brought before the court by means of these records appear to be clearly statements of witnesses, and not statements of persons not called as witnesses. It cannot be doubted that, if any one were asked the question, whether the persons making those statements were witnesses, he would reply, without hesitation, that they certainly were. If they are not, the strange result will follow that cases tried on affidavit are tried without any witnesses whatever, and, therefore, without any evidence. For even if it were said that the real witnesses are the persons who have heard and recorded those statements, which seems absurd, and would be at least a very strange and novel way of speaking, yet even these persons are not called as witnesses. Or else it must be said that this is documentary evidence; which, however, cannot be Mr. Stephen's view, because he does not treat of it under that head. Certainly it is true that affidavits and depositions are documents; but they are documents *in genere*, being documents which contain and record the statements of persons who are examined as witnesses, either in the proceeding itself, or in some auxiliary proceeding which may be properly considered as forming part of it. Being, then, the duly-recorded statements of witnesses, we submit that the rules relating to them ought to be removed from the chapter of part I. which treats of hearsay evidence, and to form a second branch of part II., following the provisions as to oral evidence, and preceding those as to documentary evidence.

But, further, through not giving to this matter its true position, Mr. Stephen has also omitted to give it an adequate treatment. We take no exception to Mr. Stephen's view that the details as to applying for and executing commissions and the like ought not to form part of an evidence code; but such a code ought, we submit, to contain some general provisions as to the mode of bringing such evidence before the court, and its effect when produced. And this obligation Mr. Stephen himself recognizes as to certain depositions, but no further. Why?

Again, if what we have said on this point is correct, it follows that the definition of "evidence" (if retained) ought to be so framed as to include, and give its due place and description to, this class of evidence; such an expansion of the definition would be in no degree contrary to, but quite in harmony with, the reason and meaning of the distinction drawn between what is properly evidence, as being actually presented to the court, and matter proved by that evidence.

Secondly, dealing still with the distribution of matter between the parts, it follows, from the description given by Mr. Stephen of their respective contents, and from a consideration of the connection and relation of those



contents, that the matter contained in the first chapter of part II., which relates to what need not be proved at all, is clearly not connected with the residue of that part, but is germane to, and is in fact part of, the matter dealt with by part III., being in the nature of an exception to the general rule laid down in part III., that he who asserts must prove.

We further submit that it is a matter for consideration whether the chapter on the modification and interpretation of documents, does not belong to part III. By its description part II. ought to be confined to stating how any piece of evidence ought to be brought before the court. To state how far any piece of evidence, when produced, excludes other evidence, and in what way it is to be construed or interpreted, is to treat of the effect of evidence, which is the topic dealt with by part III. It is certainly quite as much so as the presumptions and estoppels treated of in articles 98—105 of that part.

For similar reasons, but more clearly, a portion of the matter relating to judgments contained in part I. ought, we submit, to be transferred to part III.; this is a point we shall deal with a little more fully hereafter.

Proceeding now to examine the distribution of so much of the matter comprised in part I. as appears properly to belong to it, we must take exception to the absence of any distinction between relevant facts, and the statements as to relevant facts of persons not called as witnesses. The distinction is so well understood, so natural and so reasonable, and there is such an apparent difference between the reasons which determine the relevance of the facts stated, and those which determine under what circumstances those statements may be admitted, that we cannot understand on what principle Mr. Stephen acts in refusing to admit it. The result of not admitting it is to produce a very strange and perplexed arrangement, and to include under the head of hearsay a great deal of matter which no one has before or probably will hereafter consider as "statements made by persons not called as witnesses." The remedy which we propose is the very simple one of dividing part I. into two branches, the first dealing with relevant facts, the other with statements as to facts in issue and relevant facts by persons not called as witnesses; at the same time replacing the general title of "Relevancy" given to this part by some more general description, such as "Facts which may be proved," a title which expresses exactly the contents of part I. as described by Mr. Stephen himself.

Assuming, for the present purpose, this division of the matter of part I. to be made, and dealing with the topics separately, the arrangement of the articles relating to relevant facts appears to us in any view seriously at fault. It is difficult to discover on what principle they are arranged. No doubt order and arrangement are very much matters of opinion; that is to say, very much matters of practical convenience and expediency, not governed by principles admitting of demonstration. Still, convenience and expediency are themselves served by following some principle; and in every arrangement it ought to be possible to see pretty clearly that some principle is followed, and what that principle is. Possibly by our own fault, we can find no such principle; for what is said at p. x of the introduction merely states to a certain extent the actual arrangement, but gives no reason or principle for it.

The rules might be grouped according as they were more or less general; the more general might precede the more particular. Or they might be classed according to the nature of the subject-matter of proof; as, for instance, according to whether they related to the proof of an act, of an intention, of title, &c., &c. Or they might be classed according to the nature of the proof itself. Thus they might be arranged according to the relative strength of the proof afforded. Or, again, they might follow the order suggested by the divisions

of article 9; that is, according as the proof proceeded from cause to effect, from effect to cause, from one cause through a common effect to another cause, or from one effect through a common cause to another effect. Probably no principle is quite thorough-going, nor is there any objection to a combination of several. But we cannot discover that any of these methods, or any other method, is followed either in whole or in part. The first article (article 2) is no doubt cardinal. After this comes article 3, which is very general; but article 8 is equally so, and article 9 is the most general of all. On the other hand, articles 4, 5, and 6, and especially article 4, are very particular; while in article 7 the general and the particular are strangely mixed. These form all the articles of the first chapter of rules in part I. The remaining four chapters consist each of a general negative rule, with exceptions. But in the first of these four chapters ("similar facts") we find rules which seem to be purely affirmative, and in no dependency on the leading negative article 10, that article itself being, as we submit, for reasons already pointed out, misconceived. Again, under the third and fourth of these four chapters ("opinion" and "character") we find matter closely related to the matter of the general chapter, but separated from it by the chapter on hearsay, which chapter is itself of very mixed elements, as we have already pointed out at large.

Now, we submit that it would be reasonable that the more general should precede the more particular; for the more general expresses more of the reason and less of the merely positive and arbitrary, and the governing principle should precede the practical deductions from it. Again, the more general needs to be qualified by the more particular, and the qualification should follow the general rule and not precede it. Now, the most general article of all is article 9. Assuming that, in its present form, it is not objectionable and dangerous, this is so; if, as we think and have pointed out, it is, in its present form, objectionable and dangerous, this will be so equally if the rule is reduced to a safer form of expression. But, in the place where it now stands, it follows rules which are really illustrations of it. We submit that, in a revised form, article 9 ought immediately to follow article 2, thus giving at once a general idea of what is meant by "relevant." Article 3 would then naturally follow, with a negative branch taking in so much as need be expressed of article 10, and article 8 seems clearly *in pari materia* with article 3.

No other rules seem of equal generality with these; but the matter of articles 7 and 11 is for the most part very general, and they might very appropriately follow next in order, eliminating, however, the statutory matter from article 11, and re-casting and dividing article 7. Article 7 deals with the indirect proof of an act, motive and intention being among the means of proof; article 11 deals with the proof of motive and intention; article 12, again, adds a particular rule on the same subject, which is of the same kind with, but more general than, the statutory provision as to possession of stolen property incorporated in article 11, and which should therefore precede it. By virtue of the close relationship of the subject-matter, all these rules might well be grouped together, and we submit that the rules as to character, except article 57, which stands on a quite distinct footing, belong to this group.

The first branch of article 13, arguing from a general cause to a particular effect, stands very much by itself. It is the converse of the rules contained in articles 5 and 6 and the second branch of article 13, which argues from particular effects to a legal cause; it might very well precede them.

Article 4, as to the acts of conspirators, is very special. It is difficult to find any peculiarly appropriate place for it, but peculiarly difficult to see the appropriateness of its present position. It rests on the principle of agency, and is a definite and particular application of that principle in one branch of criminal law. But if there is no

special reason for placing a rule in one place more than another, that fact itself points out the place it ought to occupy, namely, the end. We scarcely know, however, why, if this is inserted, the general rule as to evidence of agency and the acts of agents, and the modification of it introduced by the Parliamentary Elections Act, should be omitted; and we submit that this topic ought to be either amplified or omitted altogether.

We now come to judgments. This is a difficult subject to deal with; yet one thing seems plain. The determination of the amount of probative force attributed to any piece of evidence belongs to part III, which treats of the "effect" of evidence, not to part I, which only purports to deal with relevancy. We at first doubted whether Mr. Stephen did not mean to limit the "effect of evidence" to the effect of "evidence" strictly so called; that is, of the evidentiary means produced to the court, to the exclusion of the effect of the things which the evidence proves. But this cannot be so, because several of the provisions of part III. are exactly analogous to the provisions as to the conclusiveness of judgments in part I. If, indeed, the Digest were drawn upon an entirely different plan, it might be reasonable to say that all the matter as to judgments ought to appear in one place; but no such reasoning can apply to the present arrangement. All these rules, therefore, as to the conclusiveness of judgments ought to be removed to part III. For the rest of the matter, it may be doubted whether it is proper to the law of evidence as here treated, or whether it does not rather belong to a treatise on judgments and their effects. If, however, any part of it ought to be placed here, awards, which are not included in judgments as defined by article 39, ought not to be omitted; and, probably, no more ought to be said than would consist (with certain alterations) (1) of the first branch of article 43, with the condition which forms the second part of article 41; (2) of the exception contained in article 42, and the last clause (numbered 2) of article 44; (3) of article 46; and (4) of article 47. To state in full the reasons for this view would occupy too much space; it is, therefore, only presented as a suggestion to which attention is invited. However these matters may be decided (and what has been said is rather a digression from the present subject), we submit that the topic ought, at any rate, to be eliminated from the chapter on "hearsay evidence"; but if, and so far as, admitted into this part, under the head of relevant facts, the articles treating of it would, no doubt, form a group by themselves.

Lastly, the group of articles relating to evidence of opinion might well close the series of "relevant facts."

Coming now to the division treating of "statements of persons not called as witnesses as to facts in issue or relevant facts" it would, on the view here presented, be reduced to much smaller dimensions. For, in the first place, the topic of judgments, so far as admitted into this part, would be removed to the earlier division, and, in the second place, the topic of depositions would be removed to part II. Of the remaining matter, considering the important differences between the rules as to admissions in civil and criminal cases, it would seem a convenient course to divide them into separate groups or sub-divisions, by which means the inconsistency we have before noticed would be avoided. A third sub-division would include declarations by deceased persons, and a fourth, evidence of public facts; leaving article 32 to follow evidence on deposition into part II., and omitting altogether the superfluous 38th article. This would hardly at all disturb the existing order; it would only conduce to greater clearness as well as ease of reference. We cannot, however, omit to add that the arrangement of the matter relating to admissions is extremely puzzling and obscure, and calls for a good deal of revision.

Next, as to the arrangement of the matter of part II., we will assume chapter 7 to be removed to part III., and

the topic of evidence on deposition to be introduced into part II. The removal of chapter 7 would leave chapter 8 (on "oral evidence") to occupy the first place with a single article (article 62), omitting article 61 as unnecessary, which would probably be better than revising it. Evidence on deposition would naturally occupy the second place; and documentary evidence would be removed to the third.

Dealing with documentary evidence, and placing the true general rule contained in article 66 in the position of the misleading rule expressed in article 63, it would surely be more convenient to deal with primary evidence of documents by itself, and in the first place. Now, the rules as to the proof of attested documents are rules as to primary evidence, except in one or two provisions which could easily be adjusted by reference. So also are the rules relating to presumptions as to documents contained in chapter 11. These matters should, therefore, immediately follow article 64; by which means that breach of continuity in the treatment of secondary evidence, which is at present so striking would be avoided. The topic of secondary evidence would then follow in order, preceded by the final clause of article 67, which allots to the judge the function of determining on the existence of facts which are necessary conditions for the admission of secondary evidence. Omitting the rest of article 67 as both superfluous and misleading, a group of four (or five) articles, or an article with four (or five) sub-divisions, would include the classes marked by Mr. Stephen (a), (b), (c), and (d). Another group of articles would deal (as articles 78—84 do now) with the classes marked (e) and (f), omitting, however, article 74 as unnecessary, and article 80 as belonging to the chapter on facts which are judicially noticed and need not be proved. The remaining chapter on the modification and interpretation of documents, if allowed to remain in this part, might then occupy its present position; it is a question, however, whether it ought not to be removed to part II.

Last, as to part III., assuming that the chapter as to facts judicially noticed is removed into it, and put in its appropriate place under the head of "Burden of Proof" which occupies the first chapter, and assuming also that a portion of the matter as to judgments is removed to this part, so as to keep company with the chapter on "presumptions and estoppels," and reserving the question whether the rules on the modification and interpretation of documents ought not also to be brought here, we should be willing to accept the distribution of matter in this part as it stands. We must repeat, however, our doubt whether the pleading reason given by Mr. Stephen for excluding estoppels by deed and by record is adequate.

To deal with the matter of style in a delicate and hazardous business; but it is essential, because matter of style frequently becomes matter of substance, and, even in less important points, ease and convenience in use, which means also a less chance of erroneous construction, depend to a great degree upon it. There is a point, however, at which criticism on style becomes impertinence, and the mere assertion of individual preference; we will endeavour not to pass the point; if we do so at any time it will be by error for which we apologize beforehand, but we will, as far as we can, endeavour to secure ourselves against it by giving in every case a reason for our criticism.

Definitions may perhaps be considered not to belong to the province of style; regarding them in that light, however, they occupy a place in which style passes over at once into substance, and their importance cannot be overrated. We have devoted considerable space to their examination, and we will not now repeat in detail the objections which we have urged or the alterations which we have suggested. In the result we submit that, of the definitions given in article 1, the definition of "court" is the only one that ought to be retained, and that the word "judge" should be omitted from the Code also.

gether; that if the definition of "evidence" is retained at all it ought to be re-modelled by introducing as a second branch "evidence on deposition," and by amending the phraseology of the existing clauses (including the definition of "document"), which cannot at present be considered accurate; that the definitions of "admissions" and "confessions" subsequently given are unnecessary, but that, if retained, they should be expressed in language at once more aptly descriptive and more simple.

The grouping of matter is perhaps more a matter of substance than of style, and as such we have dealt with it; but there is a point at which it crosses the line. We have pointed out several cases in which the same article deals with topics which seem improperly united under the same head. We may refer in particular to articles 7 and 11, which we have criticized in detail. The same observation applies to article 13, to the articles on "admissions," especially articles 16 and 17, to the last clause of article 28, and to the articles on "judgments."

It is more strictly a point of style that Mr. Stephen makes use occasionally of a way of speaking which is unusual, without attaining by this departure from usage any good result. We have already referred to his use of the term "relevant," which throws so much confusion into the first part. The phrase "suggesting an inference," used in articles 15 and 21, is another instance, which would disappear if the definition containing it were omitted. Another peculiarity occurs in several places, but particularly in articles 7 and 11. After commencing a clause with the word "any," as, for instance, "where any act done by any person is a fact in issue," Mr. Stephen subsequently refers to the matter thus treated of by the words "any such," or "such an;" thus, "any subsequent conduct of such person which appears to have been influenced by any such act." Surely this is erroneous, and shown to be so by the very sentence we have quoted, which in the reference to the "person" only uses the word "such." The word "any" at the commencement is rightly indefinite and universal, and applies the provision to every instance of the kind mentioned. According to the usage of language, the word "such," standing alone, brings the mind to some individual instance of the kind, and is nearly equivalent to "that"; indeed, in many cases it might be replaced by "that" or "the said." But "any such" will include anything of the like kind, and is equivalent to "any similar," so that, taking the words of the above-cited clause as they stand, they would appear to mean "any subsequent conduct of that person (namely, the person whose act is in question) which appears to have been influenced by any act of the like kind with the act which is in question." Notwithstanding the use in the same sentence of the different phrase "such" and "any such," it is not probable that any error would be made in the case referred to; but such a use of language is at least a possible source of error which ought to be avoided. There is also in several places a want of consistency in the language which is at least embarrassing. We have already pointed out an instance which occurs in articles 15 and 16; and again we find the "contents" of a document referred to in the usual way in article 74, but described by an elaborate circumlocution in article 73, an article which seems wholly unnecessary, because the whole of part II. proceeds on the assumption that the evidence treated of is relevant. Again, in articles 93 and 99 a party is spoken of, very intelligibly and in conformity with usage, as "asserting or denying" the existence of facts; why, then, should he be described in article 96 as a person "who wishes the court to believe in the existence" of a fact? Several other articles would, in mere point of style, gain in neatness and clearness by revision; but we will only refer particularly to article 8, which is headed "Facts necessary to explain or introduce Relevant Facts." The heading is clearly inadequate to describe the various matters collected under it. Whether all these matters are properly brought together under one head is a point on which we have not been

able to satisfy ourselves, and we must therefore, at present, accept Mr. Stephen's opinion in favour of his own article. But there is a want of neatness in the structure which might easily be avoided. After enumerating certain classes of facts and the purposes for which they may be adduced, it concludes with the provision that these facts "are relevant in so far as they are necessary for those purposes respectively." These words govern the whole, and therefore the words "necessary to be known" in the first line, and in the last line but two, are themselves unnecessary, and the sentences in question should stand "facts which explain," &c., or "which show," &c. Also, if "such fact" in the ninth line sufficiently expresses "fact in issue or relevant fact" by reference to an earlier sentence in the article, although the sentence immediately preceding that in which it occurs does not mention any fact, *a fortiori* it would do so in line three and line six; and it seems evident that all the four sentences which refer to "fact in issue or relevant fact" and the final sentence as to "other facts" should be brought together, so as to make "such fact," without difficulty or hesitation, do duty as the representative of the larger description; leaving the two sentences as to "identity" and "genuineness" to fall together at the end. These points of style are not unworthy the attention of legislators; for clearness and ease of style are clearness of meaning and ease of interpretation.

Lastly, so far as the question of legislation by illustrations is to be decided by the present work, it appears to be itself an illustration against the plan. The attempt thus to monopolize at once the functions of the legislator and the judge—to draw up a general rule, and then to hamper it with instances—is so wrong in principle that we cannot suppose it will ever be adopted. The special circumstances attending the administration of justice in India may justify its adoption there; but, in the absence of those special circumstances, it wants its only excuse, and retains all its mischievous effects. It is a cover and excuse for vagueness and inaccuracy in the legislator, and is a device by which the law can be made a nose of wax in the hands of the interpreter. On the one hand, assuming the illustration to be accurate, the rule may be narrowed by it; or, on the other hand, which is much more dangerous, if the illustration be inaccurate the rule may be extended to its limits. We do not say that many of Mr. Stephen's illustrations are inaccurate, nor have we examined them all. Their inaccuracy is not nearly so great as appears in the Indian Code; but certainly some of them are inaccurate, and for that reason we claim the work as an illustration adverse to the practice.

In concluding this notice of Mr. Stephen's work, we wish to repeat that we have not examined it in any unfriendly spirit. On our first examination of it we were very favourably impressed by it, and expressed that opinion, but under some reserve. We must admit that a further and more critical examination has disclosed more defects in its structure than we anticipated, and that what then seemed to us faults have had a wider influence and operation than we supposed. But, nevertheless, taking the work as a whole, it still seems to us, as it seemed then, a work of great force and ability, and well fitted to form the basis of a code upon the subject, and one element of promise is the great advance which it makes upon its Indian precursor and prototype. It is because of its importance in this view that we have examined it so fully, and in a detail that would not have been justified, and probably, even, would have been impertinent, had we regarded it as merely a text-book by a private hand. Of the justice of our criticisms we must leave our readers to judge.

It is stated that the successor to Lord Blackburn will, when appointed, be transferred to the Exchequer Division, from which division two judges have been taken for the Court of Appeal.



## The Vacation Sittings.

### CHANCERY DIVISION.

(Before FIELD, J.)

Oct. 17.—*Ward v. Shemitt.*

Landlord and tenant—Notice to quit—Delivery on 29th September.

By agreement between the plaintiff and defendant a tenancy was to continue "from year to year until one of the parties shall deliver to the other of them on the 29th of September in any year a written notice to determine the tenancy on the 25th of March following," and after notice to quit given the defendant was not to remove green crops without plaintiff's consent.

Plaintiff delivered notice to quit on the 28th instead of the 29th of September.

Held, that the notice was a compliance with the intention of the agreement, and that the tenant was bound thereby.

The defendant in this case was tenant under the plaintiff of a farm at Orton under an agreement which provided that the tenancy was to be "from year to year until one of the parties to the agreement should deliver to the other of them on the 29th of September in any year a written notice to determine the tenancy on the 25th of March following."

Another of the terms was that during the tenancy the tenant should be at liberty to carry away hay and green crops upon bringing back certain specified quantities of manure per acre, "but the said Shemitt shall not carry away any hay, clover, grass, fodder, straw, or other green crops, after notice to quit given, without written consent of Ward," and the agreement further provided that "after notice shall have been given by either party to determine the tenancy" certain rules should be observed.

On the 28th of September, 1876, the plaintiff caused a notice to quit on the 25th of March, 1877, to be served on the defendant, and such notice was delivered on that day to the defendant personally and accepted by him.

The defendant treated this notice as a nullity, on the ground that the agreement provided for delivery of a notice on the 29th of September and not on or before that date, and had since the service of the notice disposed of green crops, in breach of the covenant, and these crops had been removed from the ground.

The plaintiff thereupon moved for an injunction to restrain the defendant from carrying away such crops without the written consent of the plaintiff.

*Nighty*, for the plaintiff, contended that the notice was one contemplated by the agreement, and that the delivery on the 28th instead of the 29th did not render it a nullity;

*Hemming, Q.C.*, and *Maidlow, contra*, urged that the notice was invalid, and that therefore the tenancy would continue another year.

It was proposed to put in evidence to the effect that at the time of signing the agreement the defendant objected to the words "on or before" inserted by the plaintiff's solicitor, and accordingly "or before" was struck out by the plaintiff's solicitor.

*Field, J.*, held that it was not admissible.

Oct. 18.—*Field, J.*, after stating the grounds of the application, and that he felt some doubt in coming to a conclusion, proceeded as follows:—

Now the rule of construction is to give words which are used their natural meaning, unless that natural meaning leads to some absurdity or some construction impossible or unreasonable, and then you are at liberty to find, if you can, a reasonable secondary meaning—a popular meaning. It is illustrated very well by the case, which was fought a good deal, of *Grant v. Grant*, 18 W. R. 576, L. R. 5 C. P. 380, 727—in which the court held ultimately that "nephew" meant "wife's nephew."

The facts of the case are these—that the landlord on the 28th of September gave to the tenant a good notice in writing to quit on the 25th of March, 1877. He, therefore, did deliver a notice—a written notice, and a written notice provided for by the agreement. But it is said that that is not such a notice as is meant in the clause prohibiting the removal, because, instead of being manually delivered to the tenant on the 29th, it was delivered to him on the 28th, and received by him without any objection. I am only deciding this particular case and on these particular facts. I am not saying what might have been the case if the notice

had been delivered two years before, or one year before, or six months before. But supposing those words stood by themselves I think I should have had no great difficulty in saying that what has happened is equivalent to delivery on the 29th, because on the 28th the landlord gives the notice to his tenant—his tenant takes it. He does not say, "Mind, this will not do; you must give me a notice to-morrow," but he takes it and keeps it. Is there not, by his conduct, an implied consent, as it were, to deliver to himself on the following day? See what the consequences would be if that were not the true construction. It is a mutual contract binding as well the landlord to the tenant as the tenant to the landlord. It is said that the delivery, to be within the terms, must be on that particular day. It is worthy of remark that it is not a service on the premises, which is so common; it is not "shall leave or serve at his last known place of residence"; but it is "deliver unto the other of them on the 29th of September." That brings the act of the parties to a very short period of time. It might so happen that the tenant had gone away the night before, being on Saturday, and was not coming back till Monday; the landlord goes over to his tenant and finds he has gone away, or the tenant goes over to the landlord and finds he has gone away, and then the tenancy must endure for another year; whereas that consequence would be avoided if I were to hold that, when his attention is drawn to the fact that this is a delivery under the contract, and the notice is taken without any objection, it is a good delivery. Therefore, is there anything contrary to common sense in holding that to be the proper construction? In construing contracts the question is what object the parties have in stipulating, as they do as appears from the contract itself. The landlord says, "Let me know six months beforehand whether I am to find a new tenant, that I may look after your crops and see that you are doing your duty." The tenant says, "Let me know, that I may look out for another farm, that I may get rid of my household goods and chattels." All the substantial objects of the notice have been really arrived at in this case. I have tried in vain to discover the smallest possible mischief or inconvenience which would result from that construction. Then, if the words had stopped there, I do not think that I should have much doubt. My doubt was created by the very proper argument of Mr. Hemming, who drew my attention to the words which point to this—that the giving of the notice is to be a dividing point, at which the relations of the contracting parties were to be essentially different. What is the meaning, therefore, of the words "after notice to quit given." If I were obliged to hold that it meant to operate from the mere manual delivery of the notice to either party, I should be compelled to hold as Mr. Hemming wishes me to hold. But I think I can give a fairer and larger construction to these words by importing into them the usually understood phrase of giving notice. Therefore I read that second clause thus:—that from the time at which would be, if this were an ordinary tenancy from year to year, a six months' notice, is given—that is, from the time at which the notice itself becomes effective as marking the period of time between the parties, the various alterations in their contract are to be effective. I think, by giving that construction, I am trying to put a reasonable sense upon the agreement, and I hold, therefore, that the tenant is, under the terms of his agreement, bound to quit at this time.

Injunction granted. If defendant submitted to the ruling, no costs; if he appealed, the costs to be costs in the cause.

Solicitors for the plaintiff, *Boyer & Cotton*.  
Solicitor for the defendant, *Chamberlain*.

*Twist v. Harce.*

Judicature Act, 1875, ord. 55, r. 1—Costs.

In this case, which was a motion to make an award a rule of court, a motion necessitated by the conduct of the other party,

*Field, J.*, intimated a doubt whether he had the power to award costs to the moving party, but finally decided to do so, acting in the discretion given to the court by ord. 55, r. 1.

*F. Webb*, for the applicant.

## General Correspondence.

## ACCOUNTANTS AND BANKRUPTCY PROCEEDINGS.

[To the Editor of the Solicitors' Journal.]

Sir,—I inclose a circular from a firm of accountants, which shows the extent to which raids are made upon the practice of solicitors. The object is, of course, to get one of the firm, or some friend, appointed as trustee, so as to obtain the conduct of the liquidation. A form of proxy accompanies the circular in favour of one of the firm. Thus, whilst solicitors are prohibited from sending out forms of proxy with the notice of meeting, these gentlemen can do so with impunity.

ROBERT WHEELER.

4, Portland-street, Cheltenham, Oct. 16.

[The following is the circular referred to by our correspondent.

Birmingham, Oct. —, 1876.

In the Matter of — &amp; —.

We are instructed by Messrs. — & —, creditors for £187, and several large trade creditors, to attend the meeting convened for the 23rd inst., to investigate the circumstances attending the failure, and see that any composition that may be proposed is equivalent to the value of the estate, or, should liquidation be resolved upon, that it be wound up under the control of trade creditors.

Should you be unable to attend the meeting personally we shall be happy to represent your interest thereat, if you will complete and return to us the inclosed form of proof and proxy.

By adopting this course you will not incur any expense, and we shall be pleased to forward you a copy of the statement of affairs and resolutions passed at the meeting.—  
Yours faithfully, —, —, & —.]

## CONTINGENT REMAINDERS.

[To the Editor of the Solicitors' Journal.]

Sir,—Would you allow me to make a suggestion relative to Mr. Joshua Williams's Bill for abolishing contingent remainders?

The difference between the legal and equitable estate is a convenient means of entitling those who can deduce their title through formal conveyances to priority over those who can only deduce theirs through informal contracts—a rule which seems to me very reasonable because conveyances are in general easily discovered, while contracts are not. But in other respects, not one, but all of the rules which render void, as regards the legal estate, limitations which would not be void as regards the equitable estate are absurd and derived from reasons which the alterations in our social conditions have long since rendered inapplicable. I would therefore suggest that a more sweeping clause would answer the purpose better than a clause merely abolishing contingent remainders, and I think the following would clear away many of the difficulties which now encompass the study of real property law:—

"Limitations of the legal estate shall be as valid as if they had been limitations of the beneficial interest and the instrument containing them had been supported by valuable consideration.

"Though the limitation may be an appointment under a power conferred before the passing of this Act.

"But only if the limitation be contained either in an instrument executed after the passing of this Act or in a testamentary instrument executed by a person dying after the passing of this Act.

"And only if the formalities prescribed by law for the passing of the legal estate be complied with as regards the instrument in which the limitation was contained, and also (in the case of a limitation by way of appointment under a power) as regards the instrument by which the power was conferred."

H. W. B. MACKAY.

16, Queen-street, Exeter, Oct. 14.

## UNIVERSITY EDUCATION FOR SOLICITORS.

[To the Editor of the Solicitors' Journal.]

Sir,—Referring to your remarks on the subject of the university education of gentlemen about to enter our branch of the profession, will you allow me to say that at the re-

cent meeting of the Incorporated Law Society at Oxford, I strongly urged the expediency of raising the requirements for preliminary education (which I agree with you are far too low), and I contended that it certainly should not be below that required for the first division of the matriculation at the University of London, or the first public examination at Oxford, or the previous examination at Cambridge.

I also particularly called attention to the opportunity of obtaining degrees at comparatively small expense and little loss of time at the University of London (Burlington House).

I have, in fact, frequently advised gentlemen about to be articulated to adopt this course, when it would not be convenient to proceed to the older universities, for the degree in laws can be taken during the period of clerkship without the necessity of being a member of any college.

26, New Broad-street, E.C., Oct. 18.

G. R. DODD.

## Appointments, Etc.

MR. JAMES HERMAN DE RICCI, barrister, has been appointed Substitute Procureur and Advocate-General for the Island of Mauritius, in succession to Mr. Adam Gib Ellis, appointed a judge of the Supreme Court of that colony. Mr. De Ricci was called to the bar at the Middle Temple in Michaelmas Term, 1872, and was appointed Attorney-General of Fiji about two years ago.

MR. GEORGE MAUGHAN FOOTNER, solicitor, of Romsey and Stockbridge, has been appointed Registrar of the Romsey County Court (Circuit No. 51). Mr. Footner was admitted a solicitor in 1854, and is in partnership with his father, Mr. George Bright Footner. He is also clerk to the Stockbridge Board of Guardians and the Stockbridge Highway Board.

MR. FRANK JAMES, solicitor, has been unanimously elected Clerk and Solicitor to the Swansea Harbour Trustees (at a salary of £300 per annum), in the place of the late Mr. Lewis Thomas. Mr. James is the son of Mr. John Williams James, harbour superintendent at Swansea, and is at present managing clerk to Messrs. Tamplin, Taylor, & Joseph, 159, Fenchurch-street.

MR. THOMAS LLOYD, solicitor, of Lampeter and Tregaron, has been appointed Deputy-Registrar of the Lampeter County Court (Circuit No. 31). Mr. Lloyd was admitted a solicitor in 1872, and is also clerk to the Lampeter School Board, and solicitor to the Llanfairfelydogan School Board.

MR. WILLIAM LLOYD, solicitor, of Ruthin, has been elected Town Clerk of Ruthin, in succession to Mr. Robert Edwards, resigned. Mr. Lloyd was admitted a solicitor in 1870, and was until recently a member of the Ruthin Town Council.

MR. HENRY MANISTY, Q.C., has been appointed a judge of the Queen's Bench Division of the High Court of Justice, in succession to the late Mr. Justice Quain. Mr. Justice Manisty practised for several years as a solicitor, being a member of the firm of Meggison, Fringle, & Manisty, of King's-road, Bedford-row. He afterwards entered at Gray's-inn, where he was called to the bar in Easter Term, 1845, and he became a Queen's Counsel in 1857. He was a member of the Northern Circuit, but has for several years confined himself to London practice. The new judge is a bencher of Gray's-inn (having served the office of treasurer) and a member of the Council of Legal Education.

MR. HENRY CONSETT PASSEMAN, solicitor, of Leamington and Warwick, has been appointed Clerk to the Magistrates for the Borough of Leamington. Mr. Passeman was admitted a solicitor in 1859, and he is town clerk of Leamington, and clerk to the Leamington Local Board of Health and to the Warwick Board of Guardians.

MR. WILLIAM E. S. THOMSON, of the High Court Admiralty Registry, has been appointed Registrar of the Court of Survey for London under the Merchant Shipping Act, 1876.

MR. BENJAMIN FRANCIS WILLIAMS has been appointed Revising Barrister for the Western Division of Cheshire, in the place of Mr. William Spencer Ollivant, deceased. Mr. Williams is a graduate of St. John's College, Cambridge. He



was called to the bar at the Middle Temple in Hilary Term, 1867, and practises on the South Wales and Chester Circuit, and the Glamorganshire Sessions.

## Obituary.

### MR. JUSTICE ARCHIBALD.

The Hon. Sir Thomas Dickson Archibald, knight, one of the judges of the Common Pleas Division of the High Court of Justice, died at his residence, 7, Porchester-gate, Hyde-park, on Wednesday, October 13, in his sixtieth year. The deceased judge was the sixth son of Mr. Samuel George William Archibald, who was successively Attorney-General, Speaker of the Assembly, and Master of the Rolls in the colony of Nova Scotia, and died in 1845. Mr. Justice Archibald was born in 1817, and was educated at Dalhousie College, Halifax, and Pictou College, Nova Scotia. When still very young he came to England and entered as a student at the Middle Temple, and in Michaelmas Term, 1852 (after several years' practice as a special pleader), he was called to the bar and joined the Northern Circuit, but about a year later he transferred himself to the Home Circuit. He soon obtained a reputation as a sound and accurate lawyer, and by degrees obtained a very large junior business, and in 1868, he was selected by the then Attorney-General, Sir John Karslake, to succeed Mr. Justice Hannen as junior common law counsel to the Treasury. In that capacity he was engaged in several of the Fenian prosecutions in 1868, in the Bridgewater bribery prosecutions in 1870, and in the preparations for the prosecution of Arthur Orton for perjury in 1871-72, though he was on the bench before the trial actually commenced. He was also counsel in many important commercial cases, and in the Shrewsbury, Donaldson, and Wicklow Peaseage claims. He was also known as the draftsman of the Petitions of Right Act (23 & 24 Vict. c. 34), which was passed through the House of Commons by the late Sir William Bovill in 1860. In November, 1872, Mr. Justice Hannen succeeded Lord Penzance as judge of the Probate and Divorce Court, and the vacant judgeship in the Court of Queen's Bench was conferred by Lord Selborne upon Mr. Archibald, who shortly afterwards received the honour of knighthood, and in the spring of 1875, on the resignation of Mr. Justice Keating, he was transferred to the Court of Common Pleas. Mr. Justice Archibald's appointment was generally approved in the profession, and his short judicial career has fully justified his previous reputation. With a thorough familiarity with legal principles and authorities he combined the greatest industry and patience, and a dignity and kindness of manner, which earned for him both the confidence of suitors and the esteem and regard of the profession. During the last few months he had acted as a commissioner on unreformed municipal corporations, and he was one of the election judges for the current year. Mr. Justice Archibald was married to the daughter of Mr. Richard Smith, of Dudley Priory, Worcestershire. His eldest son, Mr. William Frederick Alphonse Archibald, was called to the bar at the Inner Temple in Hilary Term, 1874, and practises on the South-Eastern Circuit.

### MR. RICHARD PALIN.

The late Mr. Richard Palin, solicitor, of Shrewsbury, who died at his residence, Abbey House, in that town, on the 28th of September, in the sixty-sixth year of his age, was the eldest son of the late Mr. William Palin, of Chevington Manor, in the county of Salop, by Sarah, daughter of Mr. Thomas Jukes. He was born at Kinnersley on the 16th of April, 1811, and was articled to Mr. Walter Burley, of Shrewsbury, and remained with him a few years after his articles had expired as managing clerk. He was admitted a solicitor in 1835, and was at the time of his death the senior partner in the firm of Messrs. Palin, Wade, & Thomas, solicitors, Shrewsbury. He was a commissioner in all the old courts, and also a perpetual commissioner, chairman of directors of the Salop Fire Office, a director of the Shrewsbury Gas Light Company, and formerly a director of the famous old Roman Gravel Lead Mining Company and negotiated its sale to the present

company. He was also a director of the Ladywell Mining Company, but resigned a few months ago in consequence of failing health. He was also a director of the Shropshire Banking Company, and it was through his able advocacy that it was transferred to Lloyd's Banking Company. He was also auditor of the Wenlock Railway and the Much Wenlock and Severn Junction Railways. He was for six years an alderman of the borough of Shrewsbury. He had a considerable and lucrative conveyancing practice, and was much esteemed by his numerous clients and a large circle of friends for his great business energy and tact, his genial deportment, and his unswerving integrity. He married Mary Anne, the second daughter of the late Rev. William Thomas, M.A., Vicar of Loppington, Salop, by whom he has left an only daughter. His remains were interred at the General Cemetery, Shrewsbury, on October 3.

## Societies.

### UNITED LAW STUDENTS' SOCIETY.

A meeting of this society was held at Clement's-inn Hall on Wednesday, the 18th inst., Mr. Herbert T. Round, B.A., LL.B., in the chair. Six gentlemen proposed as new members at the last meeting were balloted for and duly enrolled as members of the society. The Wolverhampton Law Students' Society was received as a society in union. The question for the evening's debate, viz., "That all judicial oaths should be abolished," was supported by Mr. Dean, LL.B. Several members joined in the discussion, and ultimately the motion was lost by a majority of nine votes.

### BIRMINGHAM LAW STUDENTS' SOCIETY.

At a meeting of this society held on Tuesday last, J. Beet Collins, Esq., in the chair, the following point was discussed:—"That criminals should be allowed to give evidence on their trial." Mr. Plant opened the debate in the affirmative, and was supported by Messrs. Cresswell, Edwards, Garland, and Hargreave. Mr. Tyler replied in the negative, and was followed by Messrs. Cochrane, Chatwin, and Adams. The question was decided in the negative. A vote of thanks to the chairman concluded the meeting.

### MONEY MARKET AND CITY INTELLIGENCE.

The Bank return this week shows very little change, the proportion of reserve to liabilities remaining nearly the same as last week. The foreign markets have been very much depressed, Russian stocks being almost unsaleable on Wednesday, but a recovery has taken place to-day of about 2 per cent. on most of the issues, showing, however, a fall of at least 5 per cent. all round. Home railways are all lower, in sympathy with foreign stocks, and in some cases show a serious decline. Consols have fallen nearly 2 per cent., and close at 94 for money and account.

A North Carolina judge tells the following story of a jurymen recently summoned at a county court in that State:—After replying satisfactorily to the several questions propounded by the solicitor, he was accepted, and in the usual way commanded to look upon the prisoner, who was indicted for murder. After scanning the man closely the unprejudiced juror turned to the judge, and in a firm, solemn voice said: "Yes, judge, I think he's guilty."

The London correspondent of the *Manchester Guardian* says that the building of the new law courts is in advance of the contract. The "principals" of the roof timbers of the eastern block are in their places, and this portion of the edifice, which is to be delivered to the Government nearly three years before the main structure, will be roofed in by Christmas and handed over by the builders three months before the time fixed, unless some strike or other force majeure should intervene. The rest of the work is advancing fairly, though not so rapidly, as the scarcity of bricks affects its progress. The "extras" of the contract are, thanks to the discretion of the architect, Mr. G. E. Street, at present nil—a point of some importance in such a building.

## BIRTHS.

GREEN—Oct. 12, at 53, Lee-terrace, Blackheath, Kent, the wife of Frank Henry Green, solicitor, of a daughter.  
 RANDALL—Oct. 15, at 18, Orsett-terrace, the wife of J. W. Randall, of the Inner Temple, of a son, who survived his birth only a few hours.

## LONDON GAZETTES.

## Winding up of Joint Stock Companies.

FRIDAY, Oct. 13, 1876.  
 LIMITED IN CHANCERY.

Alexandra Palace Company, Limited.—Petition for winding up, presented Oct. 12, directed to be heard before the vacation Judge on Oct. 24. James and Sons, Angel court, Throgmorton st, solicitors for the petitioners.

Alexandra Palace Company, Limited.—Petition for winding up, presented Oct. 17, directed to be heard before V.C. Hall on Nov. 3. Hillearys and Taylor, Fenchurch buildings, solicitors for the petitioners.

Britanni Iron Works Company, Limited.—Petition for winding up, presented Oct. 13, directed to be heard before the M.R. on the first Petition day in Michaelmas Sittings. Carr & Co, Basinghall st, solicitors for the petitioners.

Ecclesfield Paper Mills Company, Limited.—Petition for winding up, presented Oct. 12, directed to be heard before the M.R. on the first Petition day of the ensuing Michaelmas Sittings. Hickin, Serjeants' Inn, Fleet st, agents for Greaves and Allen, Sheffield, solicitors for the petitioner.

Westbourne Grove Drapery and Furnishing Company, Limited.—Petition for winding up, presented Oct. 10, directed to be heard before V.C. Bacon on Saturday, Nov. 4. Lewis and Co, Old Jewry, solicitors for the petitioner.

## COUNTY PALATINE OF LANCASTER.

Albert Land, Building, and Investment Company, Limited.—Creditors are required, on or before Nov. 6, to send their names and addresses, and the particulars of their debts or claims, to Thomas Barge, Victoria st, Manchester. Thursday, Nov. 9, at 11, is appointed for hearing and adjudicating upon the debts and claims.

## Friendly Societies Dissolved.

FRIDAY, Oct. 13, 1876.

Friendly Union Society of the Officers of the House of Detention, Clerkenwell, House of Detention, Clerkenwell. Oct. 11.  
 Melbury Abbas Friendly Society, Melbury Abbas, Dorset. Oct. 11.

## Creditors under 22 &amp; 25 Vict. cap. 35.

## Last Day of Claim.

FRIDAY, Oct. 6, 1876.

Agnew, James, Liverpool, Chemist. Nov. 3. Williams, Liverpool  
 Barkas, Ralph Anderson, Newcastle-upon-Tyne, Eating House Keeper.  
 Nov. 13. Hoyle and Co, Newcastle-upon-Tyne  
 Barnes, Margaret, Liverpool. Nov. 1. Giffey, Liverpool  
 Bright, John, Edgbaston, Warwick, Land Agent. Nov. 29. Cotterell, Walsall

Byrne, Patrick William, Liverpool, Gent. Nov. 6. Yates and Co, Liverpool  
 Cross, Mary, Bristol. Nov. 30. Fry and Co, Bristol  
 Crowe, Joseph Petrus Hendrik, Belvedere rd, Penge, Lieut Col H.M.s Army. Nov. 30. Brooks and Co, Goddian st, Doctors' commons

Daniel, Edward, Morriston, Glamorgan, Mining Engineer. Nov. 18. David, Swansea  
 Edwards, John, Westbury, Wilts, Farmer. Nov. 30. Rodway and Mason, Trowbridge

Fort, Lawrence, Sussex gardens, Paddington, Esq. Nov. 1. Young and Co, 8, Mildred's court, Foultry

Francis, Alfred, Waltham Abbey, Essex, Lieut Col Retired List  
 Benzal Army. Dec. 11. Davidson, Spring gardens

Green, John William, Paeroster row, Advertising Agent. Nov. 30. Wild and Co, Ironmonger lane, Cheapside

Handley, Henry, Warwick, Malster. Nov. 4. Snape and Goule, Warwick

Hardacre, Eliza Josine, Melling, Lancashire. Dec. 30. Sharp and Son, Lancaster

Harford, Louisa Eliza Bourke, Windsor, Berks. Nov. 8. Surman and Co, Lincoln's inn fields

Hewitson, John, Wigton, Cumberland, Spirit Merchant. Nov. 9. McKeever, Wigton

Heyworth, Thomas, Woodhouse, Halifax, York, Relieving Officer. Nov. 1. Gould, Tolmorden

Hill, Edward, Wolverhampton, Stafford, Brawer's Clerk. Nov. 15. Thorne and Co, Wolverhampton

Holroyd, John, Great Horton, York, Dyer. Jan. 25. Peel and Gaunt, Bradford

Hoyes, Alexander, Bitterne Grove, Hants. Nov. 1. Tweedie, Lincoln's inn fields

Jefferson, Jane, South Shields, Durham. Nov. 30. J. S. Arnison, Sandford, Newcastle-upon-Tyne

Kibby, Thomas, Axminster, Devon, Gent. Nov. 11. Forward, Axminster

Lambert, Charles, Queen st place, Upper Thames st, Merchant. Dec. 4. Johnson and Co, Asinifriars

Lampert, William, Rumboldswyke, Sussex, Gent. Nov. 4. Raper and Freeland, Chichester

Leeming, Isaac, Bradford, Stuff Merchant. Nov. 1. Terry and Robinson, Bradford

Marshall, John, Melling, Lancashire, Gent. Dec. 30. Sharp and Son, Lancaster

Mattingley, Thomas, Aston-le-Wallis, Northampton, Farmer. Dec. 31. Pellat, Banbury

Mickelthwait, Mary, Gomersal, York. Dec. 24. Dibb and Co, Leeds

Richardson, Henry, Tonbridge, Kent, Butcher. Jan. 1. Stanning, Tonbridge  
 Rivington, Charles, Fenchurch buildings, Esq. Nov. 3. Rivington and Son, Fenchurch buildings  
 Spranger, Stephen, St. Wood, Cape of Good Hope, Doctor of Medicine. Nov. 11. Rees-Mogg and Co, Bristol  
 Turberville, Henry, otherwise Henry John Blackmore, Yeovil, Gent. Nov. 30. Watty, Yeovil  
 Turner, William Tanner, Chardstock, Dorset, Gent. Nov. 11. Forward, Axminster  
 Van Wart, Frank, Edgbaston, nr Birmingham, Merchant's Clerk. Nov. 2. Van Wart, Birmingham  
 Waterlow, James, Peckham rd. Dec. 1. Beals and Groves, Great George st  
 Williams, Joseph, Norfolk terrace, Westbourne grove, Bayswater, Gent. Nov. 21. Salt and Parcell, Bristol  
 Wilmot, Thomas, sen., Harschay, Derby, Farmer. Nov. 30. Barton and Co, Nottingham  
 Wolfe, John Robin, Micheldever, Hants, Merchant. Dec. 1. Wolfe, Suffolk st, Pall mall east

## Bankrupts.

FRIDAY, Oct. 13, 1876.

## Under the Bankruptcy Act, 1869.

Creditors must forward their proofs of debts to the Registrar.

To Surrender in London.

Crow, Frederick, The Avenue, Acree lane, Brixton, Builder. Pet Oct 11. Brougham. Oct 27 at 11  
 Daby, Edward, Theodore, and Charles Stansfeld, Cloak lane, Wine Merchants. Pet Oct 10. Brougham. Oct 26 at 11.30  
 Keller, Philip, and Emil Hahn, Hatton garden, Dealers in Precious Stones. Pet Oct 12. Brougham. Oct 25 at 12  
 Robinson, Charles Devereux, Stainesby rd, East India Dock rd, occupation. Pet Oct 10. Brougham. Oct 25 at 12.30

To Surrender in the Country.

Brown, Andrew, Durham, Grocer. Pet Oct 10. Marshall. Durham. Oct 25 at 11  
 Dean, Hugh, and Walter Dean, Newton Heath, Lancashire, Horse Slaughterers. Pet Oct 10. Lister. Manchester, Nov 2 at 9.30  
 George, William, Poole, Leather Dealer. Pet Oct 9. Dickinson. Poole. Oct 25 at 12  
 Stokes, Robert, Depot Mill, Derby, Boot Lace Manufacturer. Pet Oct 9. Weller. Derby. Oct 24 at 11  
 Tindall, Joseph, Hunstet, Leeds, Builder. Pet Oct 9. Marshall. Leeds. Oct 25 at 11

TUESDAY, Oct. 17, 1876.

## Under the Bankruptcy Act, 1869.

Creditors must forward their proofs of debts to the Registrar.

To Surrender in London.

Farthing, Edmund, Fenchurch st, Tailor. Pet Oct 5. Brougham. Oct 27 at 12  
 To Surrender in the Country.

Bailey, Robert, Dawley, Salop, Stationer. Pet Oct 13. Potts. Maddy. Oct 31 at 21  
 Beer, Abel Levi, Derby, Provision Dealer. Pet Oct 14. Weller. Derby. Oct 31 at 1  
 Cobb, Thomas, Liverpool, Contractor. Pet Oct 13. Bellringer. Liverpool. Oct 31 at 2  
 Farrer, Walter, Halifax, Woolstapler. Pet Oct 13. Rankin. Halifax. Oct 30 at 11  
 Painter, Jonas Bartlett, Buscot, Berks, Farmer. Pet Oct 11. Townsend. Swindon. Nov 2 at 2  
 Paxon, John, Sawley, Derby, Builder. Pet Oct 13. Weller. Derby. Oct 31 at 12  
 Rothwell, William, a Prisoner in Belle Vue Gaol, Manchester. Pet Oct 13. Lister. Manchester, Oct 30 at 10.30  
 Williams, Alfred, Bristol, Baker. Pet Oct 13. Harley. Bristol, Nov 1 at 2

## BANKRUPTCIES ANNULLED.

FRIDAY, Oct. 13, 1876.

Giles, Richard Thomas, Walthamstow, Essex, Coal Merchant. Sept. 14  
 Eame, William, St Mark's crescent, Regent's park. Oct 3

TUESDAY, Oct. 17, 1876.

Dixon, Raylton, Middlesbrough-on-Tees, Iron Shipbuilder. Oct 10  
 Kridgeon, Robert Thomas, Dereham, Norfolk, Farmer. Oct 12

## Liquidation by Arrangement.

## FIRST MEETINGS OF CREDITORS.

FRIDAY, Oct. 13, 1876.

Anthony, David, Neath, Glamorgan, Boot Maker. Oct 20 at 11 at offices of Davies, Alma place, Neath  
 Barratt, Edward, Silverdale, Stafford, Miner. Oct 25 at 3 at offices of Stanley and Son, Newcastle-under-Lyme  
 Barle, George, Bradford, Silk Mercer. Oct 23 at 4 at offices of Atkinson, Tyrell st, Bradford  
 Bartlett, Charles John, Feltham, Builder. Nov 3 at 2 at offices of Dilton, Ironmonger lane  
 Bell, John, Lamping Mill, Cumber and, Miller. Oct 25 at 2 at offices of Lamb and Howson, Queen st, Wiltchaven  
 Bourn (and not Bowin, as erroneously printed in last Gazette), Nicholas, Billington, Lancashire, Innkeeper. Oct 24 at 3 at offices of Holland, Northgate, Blackburn  
 Bowers, George, Stockport, Cheshire, Butcher. Nov 1 at 4 at offices of Best, Lower King st, Manchester  
 Bradley, Henry, West Hallam, Derby, Innkeeper. Oct 30 at 3 at offices of Heath, Amen alley, Derby  
 Brown, William, Asby-de-la-Zouch, Leicester, Ironmonger. Oct 12 at 12 at the Midland Hotel, Station st, Barton-on-Trent. Walsingham, Nottingham  
 Castwright, Joseph, New Broad st, Stationer. Oct 23 at 3 at offices of Bamer, New Broad st  
 Chamberlain, John, Dannham-0-th-Hill, Cheshire, Hay Dealer. Oct 24 at 2 at offices of Lyon and Reynolds, Fenwick st, Liverpool  
 Chapman, Thomas, Dewsbury, York, Plumber. Oct 24 at 10 at offices of Shaw, Bond st, Dewsbury  
 Cheeks, James, Neath, Glamorgan, Toy Dealer. Oct 20 at 11 at 111 Houndsditch. Morgan, Neath

- Claghton, John William, Leeds, Cloth Merchant. Oct 25 at 2 at offices of Simpson and Burrell, Albion st, Leeds
- Clements, John Bennett, Foultry, Hairdresser. Oct 23 at 1 at offices of Jacobs and Vincent, Budge row
- Clymer, Augustus George, New Cross rd, Corn Merchant. Oct 24 at 3 at the Guildhall Coffee House, Gresham st, Kersay, Gracechurch st
- Cochlan, Charles Hay, Eastbourne, no business. Oct 17 at 3 at the Masons' Hall Tavern, Masons' avenue, Basinghall st, Smith, Gresham House, Old Broad st
- Coleman, Charles, Bodmin, Cornwall, Storekeeper. Oct 27 at 12 at offices of Collins, Bodmin
- Cook, George, Chorley, Lancashire, Draper. Oct 27 at 3 at offices of Rutter, Mawdsley st, Bolton
- Coop, John Alfred, Kington, Warwick, Stationer. Oct 27 at 1 at the Swan Inn, Kington. Davies, Southampton
- Cornelius, Francois Frederica, Torquay, Devon. Oct 28 at 11 at offices of Fowings, Queen st, Exeter. Huggins, Exeter
- Crew, Thomas, Dudley, Worcester, no occupation. Oct 30 at 4 at offices of Warrington, Castle st, Dudley
- Cusack, James William Edward, Shawcross, Devon, Esq. Oct 24 at 12 at offices of Peyton, Castle st, Exeter
- Dale, George Dryden, Albemarle st, Piccadilly, Gent. Oct 31 at 2 at offices of Stopper, Coleman st
- Derriek, William, Mountain Ash, Glamorgan, Fishmonger. Oct 26 at 11 at offices of Rosser, Canon st, Aberdare
- Devonshire, John Wilson, King's Lynn, Norfolk, Fish Merchant. Oct 23 at 12 at offices of Nurse, St James st, King's Lynn
- Dixon, William John, Darlington, Commercial Traveller. Oct 21 at 1 at the White Hart Hotel, Harrogate. Robinson, Darlington
- Doble, Thomas, Manchester, Painter. Oct 23 at 3 at offices of Sampson, South King st, Manchester
- Duke, Joseph, Birkenhead, out of business. Oct 24 at 2 at offices of David, Martin, Basinghall st, Merchant. April 26, 1877, at 2 at the Guildhall Tavern, Gresham st. Nash and Field, Queen st
- Eder, David, Martin, Basinghall st, Merchant. April 26, 1877, at 2 at the Guildhall Tavern, Gresham st. Nash and Field, Queen st
- Foster, Benjamin Hardwick, Newcastle-upon-Tyne, Engineer. Oct 23 at 3 at offices of Stanford, Collingwood st, Newcastle-upon-Tyne
- Gold, Charles Edmund, Serjeants' Inn, Chancery lane, Solicitor. Oct 30 at 10.30 at offices of Roberts, Coleman at
- Gough, Thomas, Willenhall, Stafford, Painter. Oct 25 at 11 at offices of Baker, Walsall st, Willenhall
- Gray, John Smith, Leeds, Fruiterer. Oct 24 at 11 at offices of Howson, East parade, Leeds
- Gray, William, Kingston-upon-Hull, Cooper. Oct 27 at 3 at the George Hotel, Whitefriargate, Kingston-upon-Hull. Jackson
- Greenfield, John, High st, Homerton, Draper. Oct 23 at 3 at offices of Stocken and Jupp, Lime st
- Griffiths, William, Swansea, Plumber. Oct 25 at 3 at offices of Thomas, Rutland st, Swansea
- Grigg, Henry, Birmingham, Butcher. Oct 26 at 3 at offices of Rowlands and Bagnall, Colmore row, Birmingham
- Harding, William Henry, Birmingham, Boot Dealer. Oct 28 at 12 at offices of Hawkes and Weekes, Temple st, Birmingham
- Hargrove, Charles William, Birmingham, Surgeon. Oct 26 at 3 at offices of Parr, Colmore row, Birmingham
- Hawarth, Isaac, Bury, Lancashire, Butcher. Oct 25 at 3 at offices of Anderton, Garden st, Bury
- Heaps, Robert, Bolton, Sewing Machine Dealer. Oct 23 at 10 at offices of Scowcroft, Town Hall sq, Bolton
- Benning, Henry, Leewood, Sussex, Farmer. Oct 27 at 1 at the White Lion Hotel, Guildford, Surrey. Day
- Holtham, Herbert William, Brighton, Solicitor. Oct 31 at 3 at offices of Nye, North st, Brighton
- Hope, David, Middlesborough, Tobaccoist. Oct 25 at 3 at offices of Teale, Albert rd, Middlesborough
- Hopwood, Edwin, Birmingham, Licensed Vicualler. Oct 25 at 11 at offices of Taylor, Waterloo st, Birmingham
- Horne, William, Barrow-in-Furness, Chemist. Oct 28 at 12 at offices of Mellor, Bank st, Sheffield
- Horne, William, Barrow-in-Furness, Grocer. Oct 26 at 3 at the Imperial Hotel, Cornwalls st, Barrow-in-Furness
- Howard, Edward Golding, Glensaf rd, Suffolk, Shopkeeper. Oct 23 at 12 at the Rose and Crown Hotel, Sudbury. Mumford, Sudbury
- Hurst, John, Leyland, Lancashire, Innkeeper. Nov 1 at 11 at the Board Room, High st, Chorley. Jackson, Chorley
- Hillingworth, John, Oakenshaw, York, Stone Mason's Labourer. Oct 26 at 4 at offices of Cater, Piece Hall yard, Bradford
- Iredale, William, Batley, York, Grocer. Oct 21 at 4 at the Talbot Hotel, Batley. Wooler, Batley
- Jackson, Joseph, Sunderland, Pawnbroker. Oct 25 at 1 at offices of Turner, Collingwood st, Newcastle-upon-Tyne
- Johnson, William, and James Collinson, Liverpool, Plumbers. Oct 25 at 2 at offices of Parkinson, Commerce court, Lord st, Liverpool
- Knowles, John, Jun, Artillery place, Woolwich, Fishmonger. Nov 4 at 3 at the Wheatsheaf Public-house, Henry st, Woolwich. Cooper, Chancery lane
- Lambert, Henry, Brighton, Sussex, Fruiterer. Oct 31 at 3 at offices of Lamb, Ship st, Brighton
- Lawrence, James, Poole, Dorset, Grocer. Oct 28 at 1 at the Inns of Court Hotel, High Holborn. Trivanton, Poole
- Lewis, William, East rd, City rd, Boot Manufacturer. Oct 23 at 2 at the Castle and Falcon Hotel, Aldersgate st. Johnson, Stonefield st, Islington
- Lewin, Wolfe, Leeds, York, General Dealer. Oct 25 at 3 at offices of Williamson and Co, Sherborne lane. Bead and Barwick
- Limes, Isaac Phillips, Birmingham, out of business. Oct 28 at 10 at offices of Walter, Arnt st, Birmingham
- Little, John Richard, Silloth, Cumberland, Confectioner. Oct 25 at 11 at offices of Wannon, Carruther's court, Scotch st, Carlisle
- Loewenthal, Siegmund, and John William Magee, Manchester, Manufacturers. Oct 24 at 10.30 at offices of Boote and Edgar, George st, Manchester
- Mann, Sam., Halifax, York, Contractor. Oct 24 at 11 at offices of Leeming, George st, Halifax
- Mason, James, Filly, York, Auctioneer. Oct 30 at 3 at offices of Cornwall and Watte, Queen st, Scarborough
- McCaighey, Owen, Consett, Durham, Plate Shearer. Oct 24 at 3 at offices of Hoye and Co, Collingwood st, Newcastle-upon-Tyne
- Minors, John, Marchington, Stafford, Cattle Dealer. Oct 23 at 10 at offices of Bagshaw, Uttoxeter
- Moger, James Anicete, Royston, Cambridge, Jeweller. Oct 27 at 1 at office of Reader, Gray's Inn sq. Barker, Hitchin
- Murray, James, Jarrow, Durham, Cartman. Oct 30 at 3 at offices of Dale, King st, South Shields
- Newton, Charles, and John Bacon Newton, Hitchin, Herts, Grocers. Oct 30 at 2 at offices of Bowler, Gray's Inn sq
- Partington, John Ellis, Bolton, Lancashire, Agent. Oct 25 at 3 at offices of Rutter, Mawdsley st, Bolton
- Pattison, Frederick, Durham, Journeyman Cartwright. Oct 24 at 3 at offices of Wilkes, Zetland rd, Middlesborough
- Peake, Charles, Leicester, Boot Manufacturer. Oct 27 at 3 at offices of Tarrant, Market st, Leicester. Kirby and Woodcock, Leicester
- Peasgood, Aquila, Langtoft, Lincoln, Baker. Oct 27 at 11 at offices of Stapleton, St Paul's st, Stamford
- Perryman, Robert, Exmouth, Devon, Gent. Oct 25 at 3 at the London Inn, Teignmouth. Friend, Exeter
- Phillips, Thomas, Burslem, Staff rd, Fruiterer. Oct 25 at 11 at offices of Tomkinson and Furnival, Hanover st, Burslem
- Pluse, Anthony, Newcastle-upon-Tyne, Brewer. Oct 24 at 3 at offices of Stowell, Grey st, Newcastle-upon-Tyne
- Pollett, John, Manchester, Warehouseman. Oct 24 at 3 at the Wheatsheaf Hotel, Fennel st, Manchester. Standing, Rochdale
- Quinn, Michael, Rotherham, York, Tinner. Oct 24 at 3 at offices of Rhodes, High st, Rotherham
- Read, James Frear, North st, Edgware rd, Butcher. Oct 23 at 11 at offices of Stevens, Edgware rd. Waller, Marblebone rd
- Reynolds, Thomas Edward, Kingston-upon-Hall, Engineer. Oct 25 at 11 at offices of Eaton, Parliament st, Kingston-upon-Hall
- Riley, Edwin, Chase Town, nr Walsall, Stafford, Carpenter. Oct 31 at 12 at offices of Barnes and Russell, St John st, Lichfield
- Robey, Henry, Jun, Holloway rd, Ton Dealer. Oct 21 at 3 at offices of Boydell, South sq, Gray's Inn
- Rutter, John Charles, Jun, Beveden rd, Hoxton, Cab Proprietor. Oct 24 at 11 at offices of Aubyn, Lombard st
- Scarlett, Stephen, Nowhold Pacey, Warwick, Farm Bailiff. Oct 28 at 11.30 at the Shakespeare Hotel, Stratford-on-Avon. Warden, Stratford-on-Avon
- Schubert, Thomas, New Swindon, Wilts, Draper. Oct 25 at 2 at the Temperance Hotel, New Swindon. Foreman, Swindon
- Sidobottom, Jeremy, Bradford, York, Bookseller. Oct 26 at 4 at offices of Atkinson, Tyrell st, Bradford
- Taylor, David, David Taylor, Jun, Samuel Taylor, and William Henry Taylor, Bradford, York, Masons. Oct 25 at 10 at offices of Neil, Kirkgate, Bradford
- Theobald, Clement, sen, Long Melford, Suffolk, Builder. Oct 25 at 2 at the Cups Hotel, Colchester. Munford, Sudbury
- Thompson, John, Newcastle-upon-Tyne, Dealer in Musical Instruments. Oct 27 at 3 at offices of Johnston, Pilgrim st, Newcastle-upon-Tyne
- Unwin, Albert, New Coventry at, Leicester sq, Heraldic Stationer. Oct 23 at 10.30 at offices of Cooper and Co, King's Arms yard, Coleman st
- Walker, Charles Frederick, Peterborough, Northampton, Builder. Oct 23 at 1 at offices of Beaumont and Warren, Chancery lane. Brown and Co, Peterborough
- Ware, Thomas John, Hogarth rd, South Kensington, Gent. Oct 27 at 3 at offices of Wood and Hare, Basinghall st
- Waring, Benjamin, Bolton, Lancashire, Clerk. Oct 23 at 3 at offices of Scowcroft, Town Hall sq, Bolton
- Watts, James, Addlestone, Surrey, Brewer. Oct 31 at 3 at offices of Jenkins, Tavistock st, Strand
- Welford, George, Wotton Gilbert, Durham, Joiner. Oct 25 at 2 at offices of Wallace, Pilgrim st, Newcastle-upon-Tyne
- Williams, Robert, Glasshouse st, Regent st, Commission Agent. Oct 24 at 3 at offices of Waddell, Queen Victoria st. Watson, Queen Victoria st
- Wilson, James, Darlington, Durham, Confectioner. Oct 26 at 3 at offices of Wilkes, Albion chambers, Northgate, Drillington
- Wright, Francis, Bramley, York, Butcher. Oct 30 at 3 at offices of Malcolm, Park row, Leeds
- Wright, James, Carlton, Cumberland, Gardener. Oct 27 at 3 at offices of Cant, South End rd, Penrith

## TUESDAY, Oct. 17, 1876.

- Anderson, Mark French, Coventry, Physician. Nov 2 at 3 at the Craven Arms Hotel, Coventry. Browett
- Argyle, John, Nuneaton, Warwick, Grocer. Oct 23 at 12 at the County Court office, Little Park at, Coventry. Homer, Coventry
- Barnes, William, Wigan, Ironmonger. Oct 31 at 2 at the Minorca Hotel, Walsgate, Wigan. Wood, Wigan
- Barnett, Joseph, Salisbury, Tailor. Oct 30 at 3 at offices of Nodder, City chambers, High st, Salisbury
- Barracough, Joshua, Huddersfield, Waste Dealer. Oct 28 at 11 at offices of Sykes and Son, Lord st, Huddersfield
- Bartholomew, Bartholomew, Temple Bruer, Lincoln, Farmer. Oct 31 at 1 at offices of Hebb, St Peter's churchyard, Silver st, Lincoln
- Bates, Graham, Lydd, Kent, Grocer. Nov 2 at 4 at offices of Stringer, New Romney
- Bennett, George William, Upwell, Norfolk, Innkeeper. Oct 31 at 11 at offices of Welchman and Carrick, Upwell
- Blamey, Charles, King st, Covent garden, Basket Manufacturer. Oct 30 at 12 at offices of Thornton, Finabury place south. Hawlett
- Bloor, William, Pentre Cwm, Flint, Farmer. Nov 2 at 1 at the Queen's Hotel, Chester. Davies, Holywell
- Boff, Henry, and George Boff, St Albans, Hertford, Builders. Oct 26 at 3 at the Cannon at Hotel. Lovett, King William st
- Bookless, Robert Waddell, Darlington, General Draper. Oct 26 at 11 at offices of Barron, High row, Darlington
- Bourne, John, Nantwich, Cheshire, Grocer. Oct 26 at 10 at offices of Pointon, Market st, Crewe
- Bourner, George, Aston-upon-Trent, Derby, Farmer. Oct 31 at 12 at offices of Hextall, Full st, Derby
- Bull, Joseph, Cranwell, Lincoln, Farmer. Oct 26 at 11 at the White Hart Inn, Sleaford. Dyer
- Cartier, Joseph, Fonthill rd, Holloway, Wholesale Rag Merchant. Nov 2 at 4 at offices of Holloway, Ball's Pond rd, Islington. Fenton



Carter, Thomas, Charlton, York, Baerseller. Oct 23 at 3 at the Royal Hotel, Wood st, Wakefield Lodge  
 Chandler, William, Bath, Maltster. Nov 4 at 12 at 3, Miles's buildings, Bath. Gill and Bush  
 Cheshire, George, Hendon, Livery Stable Keeper. Oct 27 at 12 at offices of Alibingham, Old Broad st  
 Church, William, Nantwich, Cheshire, Silk Mercer. Nov 11 at 1 at the Crown Hotel, Nantwich. Brooke  
 Cleaver, David, Llandilo, Carmarthen, Painter. Oct 28 at 2 at offices of Howell, Stepany, at Llanelli  
 Cohen, Elizabeth, and Sophia Cohen, Brighton, Directresses of Ladies' Collegiate Establishment. Oct 30 at 2 at offices of Cockburn, Duke st, Brighton  
 Cotter, Michael, Bedminster, Somerset, Licensed Victualler. Nov 2 at 3 at offices of Tricks and Co, Nicholas st, Bristol. Perham  
 Casack, James William Edward, Starcross (and not Shawcross, as erroneously printed in last Gazette), Devon, Esq. Oct 24 at 12 at offices of Peyton, Castle st, Exeter  
 Dally, James, Slough, Horse Trainer. Nov 6 at 3 at offices of Phillips, Gray's Inn sq  
 Dams, Christopher, Lynton rd, Bermondsey, Seed Merchant. Oct 24 at 3 at Mason's Hall Tavern, Masons' avenue, Basinghall st. Eighy  
 Davies, Edward Idens, Cheek hill, Stafford, Farmer. Oct 27 at 11 at offices of Stokes, Priory st, Dudley  
 Denison, William, Normanton, York, Builder. Oct 31 at 2 at the Royal Hotel, Wakefield. Weddall and Parker, Seiby  
 Dowton, Joseph, Chase side, Enfield, Baker. Oct 30 at 4 at offices of Young and Sons, Mark lane  
 Earle, Cordelia, Redruth, Cornwall, Stationer. Oct 25 at offices of Trevena, St Mary's st, Truro  
 Ede, Richard, Bath, Plasterer. Oct 30 at 3 at offices of Wilton, Westgate buildings, Bath  
 Edwards, Henry, Woolwich, Chemist. Oct 26 at 10 at offices of Scard and Son, Gracechurch st  
 Evans, David, Skewen, nr Neath, Glamorgan, Builder. Oct 25 at 12 at offices of Charles, Parade, Neath  
 Flack, John, Warwick court, Holborn, Publican. Oct 31 at 3 at the Guildhall Tavern, Gresham st. Holder  
 Flynn, John, Jarrow, Builder. Oct 27 at 3 at offices of Duncan and Duncan, Market place, South Shields  
 Freemantle, Francis, Albert, Alfred villas, Holloway, Coal Merchant. Nov 3 at 12 at offices of Foncejon, Jan, Raymond's buildings, Gray's Inn  
 Gilbert, William, jun, Streatham, Butcher. Nov 2 at 10 at offices of Abbot, Blackfriars rd  
 Granger, Jacob, Houghton-le-Spring, Durham, General Dealer. Nov 3 at 3 at offices of Bell, Lambton st, Sunderland  
 Greig, David, Melbourne, Cambridge, Farmer. Oct 28 at 3 at offices of Simon, Mill st, Bedford  
 Grimthorpe, James, East Dean, Gloucester, Colliery Manager. Oct 30 at 3 at offices of Whitley and Son, Mitchell Dean  
 Guarr, Thomas Gardiner, Newtown, Montgomery, Clock Maker. Nov 3 at 12 at offices of Maurice, Welchpool  
 Hall, Alfred, Cleveland st, Fitzroy sq, Manager to a Window Glass Merchant. Oct 28 at 4 at offices of Goaty, Westminster bridge rd  
 Harris, Charles, Rieca, Mon., Butcher. Oct 30 at 1 at offices of Gibbs, Tredegar place, Newport, Mon.  
 Harvey, John Frederick, Barry rd, Peckham rye, Carpenter. Nov 2 at 2 at the Guildhall Tavern. Vardy, Sparslow rd, Hackney  
 Hathway, George, North, Franchise, Gloucester, out business. Oct 25 at 11 at offices of Pearce, Exchange buildings west, Bristol. Price, Bristol  
 Hopcroft, Edwin James, Winton, Lancashire, Provision Dealer. Oct 30 at 3 at offices of Walker, St Ann st, Manchester  
 James, William, Nailbridge, Gloucester, Labourer. Nov 1 at 11.30 at offices of Robinson, Mitchell Dean  
 Johns, William, and Rees Thomas, Barry Port, Carmarthen, Builders. Oct 28 at 11 at offices of Howell, Stepany, at Llanelli  
 Jones, James, Denis Dock, nr Pontypridd, Boat Builder. Oct 30 at 11 at offices of Alexander, St Mary st, Cardiff. Grover and Grover, Cardiff  
 Jones James, West Cornforth, Durham, Grocer. Oct 30 at 11 at offices of Marshall and Oliver, Claypath, Durham  
 Kiasby, Charles, Moulton Chapel, Lincoln, Blacksmith. Oct 30 at 1 at the White Hart Hotel, Spalding. Gaches, Peterborough  
 Lansbury, William, Rutland rd, South Hackney, Contractor. Oct 27 at 10.15 at offices of Hicks, Lansdown terrace, Grove rd, Victoria park  
 Layland, Alfred, and Jones Hancock, Birmingham, Builders. Oct 30 at 3 at the Union Inn, Union st, Birmingham. Jaques, Cherry st, Birmingham  
 Leighton, Crosby, Liverpool, Financial Agent. Oct 30 at 3 at offices of Lupton, Harrington st, Liverpool  
 Levene, Solomon, Liverpool, Clothier. Oct 31 at 3 at offices of Nordons, Cook st, Liverpool  
 Lodge, John, Keighley, York, Milk Dealer. Oct 27 at 2 at offices of Robinson and Robinson, Keighley  
 Lord, William, Bradford, Joiner. Nov 3 at 3 at offices of Remmols, Tyrryl st, Bradford  
 Mason, Henry Paul, Cambridge, Draper. Oct 30 at 12 at 145, Chapside. Ellison and Burrows, Cambridge  
 Maxwell, Frederick, Richmond, Grocer. Oct 31 at 3 at offices of Buchanan and Rogers, Basinghall st  
 McGough, Patrick Thomas, Winton Park, Durham, Builder. Nov 3 at 2 at offices of Thornton, North Bondgate, Bishop Auckland  
 Melville, William, Newcastle-upon-Tyne, A/c Merchant. Oct 30 at 12 at offices of Pallister, Mosley st, Newcastle-upon-Tyne. Salkeld, Durham  
 Naylor, Sarah Ann, Altrincham, Cheshire, Dealer in Berlin Wool. Nov 3 at 3 at offices of Atkinson and Co, Norfolk st, Manchester  
 Nicholas, John Rodney, Cardiff, Railway Wagon Contractor. Oct 31 at 3 at the Royal Hotel, St Mary st, Cardiff. Ingledew and Co, Cardiff  
 Ollier, William, Widnes, Lancashire, Builder. Nov 3 at 2 at the Law Association Rooms, Cook st, Liverpool. Bygott, Sandbach  
 Oran, Frederick Henry Paul Pettit, Park lane, Tottenham, Law Clerk. Oct 27 at 1 at offices of Sydney, Bedford row  
 Palmer, Thomas, Manchester, Wheelwright. Nov 2 at 11 at offices of Whit, King st, Manchester. Whithead, Manchester

Parker, Daniel, Halifax, Woolstapler. Oct 30 at 3 at offices of Jubb, Harrison rd, Halifax  
 Pratt, George, Birmingham, Builder. Oct 30 at 3 at offices of Buller and Bickley, Bennett's hill, Birmingham  
 Salmon, William, Ulverston, Lancashire, Mining Agent. Oct 27 at 11 at the Temperance Hall, Ulverston. Poole, Ulverston  
 Sewell, Edward, West Chillington, Sussex, Farmer. Nov 6 at 12 at offices of Young and Sons, Mark lane  
 Sewell, William, Bootle, Draper. Nov 2 at 3 at offices of Smith, Corfs buildings, Fresson's row, Liverpool  
 Sharpe, James, Horsforth, nr Leeds, Saddler. Oct 30 at 3 at offices of Crowther, Boar lane, Leeds  
 Shuttleworth, Ebenezer, Lills st, Leicester sq, Engraver. Oct 26 at 11 at 59, Frita st, Soho. Upton, Halton rd, Islington  
 Smith, Francis John, Sedgley, Stafford, Coal Merchant. Oct 31 at 10.30 at offices of Travis, Church lane, Tipton  
 Smith, Joseph Dunbavand, Ashton-under-Lyne, Tailor. Oct 31 at 3 at offices of Brooks and Co, Brown st, Manchester  
 Smith, Samuel, Chapeltown, nr Leeds, Coal Dealer. Oct 30 at 2 at offices of Harle, Bank st, Leeds  
 Stephens, Richard, Illogan, Cornwall, Blacksmith. Nov 1 at 11 at offices of Downing, Redruth  
 Strawbridge, Charles James, Bristol, Licensed Victualler. Oct 31 at 2 at offices of Perrin, Small st, Bristol  
 Taylor, John, Brighton, Coal Merchant. Oct 30 at 3 at offices of Maynard, North st, Brighton  
 Taylor, Thomas, High st, Camden Town, Corn Dealer. Nov 2 at 3 at offices of Holloway, Ball's Pond rd, Fenton  
 Thompson, Rev Bernard Tyrrell, Heaton Norris, Lancashire. Nov 3 at 11 at offices of Hardon, Great Underbank, Stockport, Cheshire. Vaughan, Heaton Norris  
 Thompson, Thomas Robson, Bradford, Coach Builder. Oct 30 at 10 at offices of Rhodes, Horton st, Halifax  
 Tranter, Richard, Barrow-in-Furness, Labourer. Oct 28 at 10 at the Imperial Hotel, Barrow-in-Furness. Poole, Ulverston  
 Turner, Thomas Sanderson, Stokesley, York, Grocer. Oct 30 at 3 at offices of Hutton and Bolsover, High st, Stockton-on-Tees  
 Webb, John, Milk st, Lace Agent. Nov 1 at 2 at offices of Phelps and Co, Gresham st  
 Wells, Charles, Leeds, Law Stationer. Oct 30 at 3 at offices of Lodge, Park row, Leeds  
 Whittaker, Frederick, and Israel Hanson, Cross Flatts, York, Valooped Proprietors. Oct 26 at 11 at offices of Terry (and Robinson), Market st, Bradford  
 Wilkinson, William, and Thomas Spafford, and Robert Torkington, Heaton Norris, Lancashire, Hat Manufacturers. Oct 23 at 3 at the Brunswick Hotel, Piccadilly, Manchester. Newton  
 Williams, Arthur, Abercady, Grocer. Oct 28 at 1 at the Queen's Hotel, Cardiff. Linton, Abercady  
 Williams, William Eivion, Holyhead, Licensed Victualler. Nov 7 at 2 at the Alexandra Hotel, Dale st, Liverpool. Barber, Holyhead  
 Williamson, Joseph, Sliford, Grocer. Oct 31 at 2 at offices of Goodwin, Brazennose st, Manchester. Treman, Manchester  
 Wilson, George, Banbury, Draper. Oct 28 at 12 at offices of Goldring, Southampton st. Crosby, Banbury  
 Winskill, Charles Frederick, Linthorpe, York, Painter. Oct 27 at 3 at offices of Gibson and Wilkinson, Athenaeum chambers, Station st, Middlesbrough  
 Winterbottom, James, Oldham, Chemist. Oct 27 at 3 at the Mitre Hotel, Cathage gates, Manchester. Buckley and Clegg, Oldham  
 Wood, John, Kingston-upon-Hull, Mariner. Nov 9 at 11 at Glover's London Hotel, Queen st, Hull. Fenton  
 Walker, Ellen Preston, Halifax. Nov 1 at 3 at offices of Hill, Harrison rd, Halifax  
 Wright, James Mangham, John William Wans, and William Edward Burn, Newcastle-upon-Tyne, Engineer's Store Agent. Oct 29 at 10.30 at the Inns of Court Hotel, Helborn, Stamford, Newcastle-upon-Tyne

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To Her Majesty, the Lord Chancellor, the Whole of the Judicial Bench Corporation of London, &amp;c.

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